

amongst the parties mentioned in the will in certain proportions; and it is not now proposed to be decided, whether under such circumstances the party manumitted has a right to look to the avails of the real estate to give validity to the manumission. If it shall turn out that the personal estate itself, without the negroes manumitted, is sufficient to satisfy creditors, there can be no necessity for deciding the other question.

In this case, the creditors, if any remain unpaid, are not before the court, and no judgment that can be pronounced here can effect their rights. They cannot be precluded from showing hereafter, if such is the fact, that the estate of the testator was, without the negroes, inadequate for the payment of debts, and upon establishing such inadequacy, the proper relief would be accorded to them. But with regard to the manumittor himself and his legal representatives, the manumission, though in prejudice of creditors, is valid, and the negroes manumitted are not assets for the payment of debts.

These principles are also decided in *Allein vs. Sharp*, and would entitle the negroes, in this case, to their freedom, as against the executor of the testator. Before, however, a final disposition is made of this question, the case will be sent to the Auditor, that the necessary accounts may be taken to ascertain if the debts are paid, or if there are assets to pay them.

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[Exceptions were taken to the report of the Auditor, and an agreement was signed by counsel, that the case should go back to the Auditor, for the purpose of making such corrections of his accounts as may be required by the admission of parties, and by certain accounts and proofs, filed in the cause since the date of the report, and such additional proofs as may be laid before him.]

John Wood, the executor, appears to have passed four accounts in the Orphans Court, and upon his death, Robert Plummer, his administrator, passed a fifth and final account of the estate of the testator, Harrison.

Upon the death of Wood, Plummer, his administrator, and Matilda B. Harrison, the widow of the testator, took out letters